

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JAMES T. SMITH, ROBERT TERRY,	)	
PAUL BROWN, AND HARVEY	)	
EVERETT,	)	
	)	
Plaintiffs,	)	
	)	08-C-0579
vs.	)	
	)	Judge Joan H. Lefkow
INVSCO GROUP, LTD., PLAZA 440	)	
PRIVATE RESIDENCES	)	Magistrate Judge Nolan
CONDOMINIUM ASSOCIATION,	)	
ADMIRAL SECURITY SERVICES,	)	
INC., AND EDY KLEIN,	)	
	)	
Defendants.	)	

**DEFENDANTS' JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER**

Now come Defendants Edy Klein ("Klein"); Plaza 440 Private Residences Condominium Association ("Plaza 440"); Invsco Group, Ltd. ("Invsco"); and Admiral Security Services, Inc. ("Admiral") (collectively, "Defendants"), by and through their respective attorneys, and move this Honorable Court for the entry of a Protective Order and in support of this motion, states as follows:

1. Plaintiffs, two former doormen and two current doormen at Plaza 440 Private Residences, brought this action against Defendants alleging race discrimination and retaliation arising out of scheduling their shifts and various disciplinary actions taken against them arising from on-the-job misconduct, and/or poor job performance.

2. Defendants seek the entry of a protective order in this matter because of the sensitive nature of the documents each has to produce. To that end, Defendants provided Plaintiffs with a draft copy of a proposed order, attached hereto as **Exhibit A**.

3. Plaintiffs have refused to consent to the provision allowing the parties to designate certain highly sensitive information as “confidential-counsel eyes only.” Ex. A, ¶ 4.

4. Two of the plaintiffs remain employed by Admiral and are in daily contact with the employees and residents of Plaza 440. Some of the disciplinary action taken against Plaintiffs resulted from complaints of Plaza 440 residents and/or Plaintiffs’ wrongful or inappropriate interactions with Plaza 440 residents.

5. All Defendants require this provision to protect the confidentiality of the personnel file information produced in the course of this litigation. Plaintiffs have had an opportunity to see the documents from each of their files. This protective order would only pertain to one plaintiff’s review of another plaintiff’s or non-party employee’s personnel information. There is no valid reason for Plaintiffs to have access to their current and former coworkers’ personnel files, which include disciplinary histories, tax and financial data, and other sensitive, private information. Plaza 440 additionally requires this provision to protect those residents who have made confidential complaints about non-party employees.

6. The provision in dispute includes a method by which any party can challenge the designation of information as “confidential-counsel eyes only.” Plaintiffs’ ability to prosecute this matter will not be limited by this provision.

7. Plaintiffs have submitted an alternate protective order without the “confidential-counsel eyes only” provision. A copy of that proposed order is attached hereto as **Exhibit B**. For the Court’s convenience, differences between Exhibit A and B

are indicated in Exhibit B. Defendants have not agreed to the language of Exhibit B for the reasons described above.

8. On Monday, August 25, 2008, pursuant to Local Rule 37.2, the parties participated in a telephone conference in a good faith attempt to resolve the differences regarding the protective order, but were unable to reach an accord.

WHEREFORE, Defendants Edy Klein; Plaza 440 Private Residences Condominium Association; Invsco Group, Ltd.; and Admiral Security Services, Inc. respectfully request that this Honorable Court enter the Protective Order attached hereto as Exhibit A and for such other relief as this Court deems just.

Dated: September 2, 2008

/s/Bradford A. LeHew

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